

**MOTOROLA**

FAX TRANSMITTAL SHEET

Motorola, Inc.
Intellectual Property Section
Law Department
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Schaumburg, IL 60196

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AUG 24 2005

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Date: August 24, 2005

To: Examiner Chen, Alan S. - Group 2182

Location: United States Patent and Trademark Office

Fax No.: 571-273-8300

From: Jeffrey K. Jacobs (Registration No. 44,798)

Subject: Serial No. 10/006,176 -Benyukhis et al.

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MESSAGE:

Enclosed herewith, please find a PETITION TO WITHDRAW NOTICE OF ABANDONMENT UNDER 37 C.F.R. 1.181 for filing in the below-identified application.

PLEASE GIVE THESE PAPERS TO:

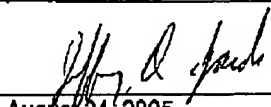
EXAMINER: Chen, Alan S.
GROUP ART UNIT: 2182
SERIAL NO.: 10/006,176
FILED: December 4, 2001
INVENTOR: Benyukhis et al.
ATTORNEY DOCKET NO.: CE086251


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AUG 26 2005

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number		10/008,176	
		Filing Date		December 4, 2001	
		First Named Inventor		Benyuchis et al.	
		Group Art Unit		2182	
		Examiner Name		Chen, Alan S.	
Total Number of Pages in this Submission		Attorney Docket Number		CE086251	

ENCLOSURES		(check all that apply)	
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input checked="" type="checkbox"/> Petition to Withdraw Notice of Abandonment <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input type="checkbox"/> Other Enclosure(s) (please identify below)	<input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> RCE <input type="checkbox"/> Copy of Notice to File Missing Parts <input type="checkbox"/> Transmittal of Formal Drawings <input type="checkbox"/> Response to Notice of Non- Recordation of Document
Remarks			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual	Jeffrey K. Jacobs	Registration No.	44,798
Signature			
Date	August 24, 2005		

CERTIFICATE OF TRANSMISSION	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO to facsimile number 571-273-8300 or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on the date listed below:	
Typed or printed name	Nanette Orr
Signature	
Date	August 24, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Benyukhis et al.

EXAMINER: Chen, Alan S.

SERIAL NO.: 10/006,106

GROUP: 2182

FILED: December 4, 2001

CASE NO.: CE08625I

TITLED: HIGH AVAILABILITY SYSTEM AND METHOD FOR IMPROVED
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Motorola, Inc.
Corporate Offices
1303 E. Algonquin Road
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August 24, 2005

08/26/2005 HDEMESS2 00000014 502117 10006176

03 FC:1464 130.00 DA

Certificate of Mailing

Date of deposit: August 24, 2005

I hereby certify that this paper is being transmitted on the date indicated
above, to the Assistant Commissioner for Patents, Alexandria, VA.

Signature of Person Mailing Paper

Nathan Orr
Printed Name of Person Mailing PaperPETITION TO WITHDRAW NOTICE OF ABANDONMENT
UNDER 37 CFR 1.181Honorable Commissioner of
Patents and Trademarks
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition under 37 CFR 1.181 that the Notice of
Abandonment mailed on August 17, 2005 for the application captioned above be
withdrawn.

This Petition to Withdraw the Notice of Abandonment is being filed within one
month of receiving the Notice of Abandonment from the United States and Trademark
Office ("Office"). The Office abandoned the above captioned application because it

believes that the Applicants failed to timely pay the required issue fee and publication fee transmitted by facsimile on January 4, 2005. The facts are as follows:

- (1) The Office mailed Notice of Allowance and Fee(s) Due on 12/15/2004.
- (2) The Applicants replied to the Office letter dated 12/15/2004 on 01/04/2005 via facsimile (copy of Part B – Fee Transmittal Letter and facsimile confirmation enclosed); and
- (3) The Office mailed a Notice of Abandonment letter on 08/17/2005 stating that the Applicants failed to timely file a proper reply to the Office letter mailed on 12/15/2004.

As outlined above, on 01/06/2005, the Applicants timely filed a proper reply to the Office letter mailed on 12/15/2004. A copy of the reply sent by facsimile by Applicants on 01/06/2005 along with an Auto-Reply Facsimile Transmission received from the Office verifying receipt of the reply is enclosed for your review. As a result, Applicants respectfully petition that the Notice of Abandonment be withdrawn and the application captioned above be revived as a pending application.

The petition fee set forth in 37 CFR 1.17 is hereby authorized to be charged to deposit account no. 502117. Please charge any additional fee or credit any overpayment to same.

Respectfully submitted,
Benyukhis et al.

By: 

Jeffrey K. Jacobs
Attorney for Applicants
Registration No. 44,798
Phone: (847) 576-5562
Fax: (847) 576-3750
Email: Jeff.Jacobs@motorola.com

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AUG 24 2005

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 18475763750

Fax Information

Date Received:

1/4/2005 12:43:38 PM [Eastern Standard Time]

Total Pages:


2 (Including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
Cover
Page

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Jan-04-05	12:38pm	From-MOTOROLA	18475763750	T-003	P.005/007	F-287
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Motorola, Inc.
Intellectual Property Section
Law Department
1303 E. Algonquin Rd.
Schaumburg, IL 60183
Telephone: (847) 678-3835
Facsimile: (847) 876-3720

☐ Number of Pages (including this page)

Date:	<u>January 4, 2005</u>
To:	<u>Mail Stop Issues Fee</u>
Location:	<u>United States Patent and Trademark Office</u>
Fax No.:	<u>703-746-4000</u>
From:	<u>Jeffrey K. Jacobo (Registration No. 44,708)</u>
Subject:	<u>Serial No. 10/008,178 - Benyukhis et al.</u>

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MESSAGE:

Enclosed herewith, please find Part B - Issue Fee Transmittal Form for filing in the below-identified application.

PLEASE GIVE THESE PAPERS TO:

Issues Fee Branch	
GROUP ART UNIT:	2884
SERIAL NO.:	10/027,183
FILED:	12/04/2001
INVENTOR:	Benyukhis et al.
ATTORNEY DOCKET NO.:	CE086251

PAGE 12 * RCVD AT 1/4/2005 12:43:38 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-20 * DNIS:7464000 * CSID:18475763750 * DURATION (mm-ss):02-33

Confirmation Report - Memory Send

Page : 001
Date & Time: Jan-04-05 12:36pm
Line 1 : 18475763750
Line 2 : 18475763533
Machine ID : MOTOROLA

Job number : 808
Date : Jan-04 12:35pm
To : 917037464000
Number of pages : 002
Start time : Jan-04 12:35pm
End time : Jan-04 12:36pm
Pages sent : 002
Status : OK

Job number : 808

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Intellectual Property Section
Law Department
1303 E. Algonquin Rd.
Schaumburg, IL 60196
Telephone: (847) 578-3835
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2 Number of Pages (including this page)

Date: January 4, 2005
To: Mail Stop Issue Fee
Location: United States Patent and Trademark Office
Fax No.: 703-748-4000
From: Jeffrey K. Jacobs (Registration No. 44,788)
Subject: Serial No. 10/008,178 - Benyukhis et al.

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MESSAGE:

Enclosed herewith, please find Part B - Issue Fee Transmittal Form for filing in the below-identified application.

PLEASE GIVE THESE PAPERS TO:

Issue Fee Branch
GROUP ART UNIT: 2684
SERIAL NO.: 10/027,183
FILED: 12/04/2001
INVENTOR: Benyukhis et al.
ATTORNEY DOCKET NO.: CE088261